IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Bail Appl..No. 7252 of 2006()

CMP.11872/2006 of J.M.F.C.-I,KOTTARAKKARA
CRIME NO.90/2006 OF KOTTARAKKARA EXCISE RANGE

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PETITIONER/ACCUSED

JOSEKUTTY, AGED 23 YEARS,
S/O.BABY, KALLUMPURATHU PADINJATTATHIL VEEDU,
MELILA VILLAGE, KOTTARAKKARA.

BY ADV. SRI.K.T.THOMAS

RESPONDENT: COMPLAINANT

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application NO.7252 of 2006

Dated this the 7th day of December, 2006

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner who is the accused in Crime No.90 of 2006 of Kottarakkara Excise Range for offences punishable under Sec.8(i) and (ii) of the Abkari Act, for having been found in possession of 3 liters of illicit arrack on 7.11.2006, seeks his enlargement on bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor opposed the application and submitting inter alia that the petitioner is accused in three other cases involving similar offences.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This Application is accordingly dismissed.

V.RAMKUMAR,
JUDGE.

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